

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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|-------------------------------|---|---------------------------------|
| KENNETH R. ABRAHAM |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 07-593-***-LPS |
| |) | |
| LT. COSTELLO and OFFICER CPL. |) | |
| MANN, |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM ORDER

At Wilmington this 1st day of January, 2008, having reviewed plaintiff's response to memorandum order of December 4, 2007, which the court construes as a motion for reconsideration, IT IS ORDERED that the motion (D.I. 13) is **denied** for the reasons that follow:

1. **Background.** Plaintiff, who appears pro se and was granted leave to proceed in forma pauperis, filed this civil rights case pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. In a lengthy memorandum order, dated December 4, 2007, many of the claims and most of the defendants were dismissed as frivolous and for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915 and § 1915A. Plaintiff was allowed to proceed with excessive force claims against two defendants. Plaintiff moves for reconsideration and asks the court to re-review the complaint, consider his assertions in the pending motion (D.I. 13), and reinstate the dismissed claims and defendants.

2. **Standard of Review.** The standard for obtaining relief under Rule 59(e) is

difficult for plaintiff to meet. The purpose of a motion for reconsideration is to correct manifest errors of law or fact or to present newly discovered evidence. Harsco Corp. v. Zlotnicki, 779 F.2d 906, 909 (3d Cir. 1985). A motion for reconsideration may be granted if the moving party shows: (1) an intervening change in the controlling law; (2) the availability of new evidence that was not available when the court issued its order; or (3) the need to correct a clear error of law or fact or to prevent manifest injustice. Max's Seafood Cafe v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999).

3. A motion for reconsideration is not properly grounded on a request that a court rethink a decision already made. See Glendon Energy Co. v. Borough of Glendon, 836 F. Supp. 1109, 1122 (E.D. Pa. 1993). Motions for reargument or reconsideration may not be used "as a means to argue new facts or issues that inexcusably were not presented to the court in the matter previously decided." Brambles USA, Inc. v. Blocker, 735 F. Supp. 1239, 1240 (D. Del. 1990). Reargument is only appropriate where "the Court has patently misunderstood a party, or has made a decision outside the adversarial issues presented to the Court by the parties, or has made an error not of reasoning but of apprehension." Brambles USA, 735 F. Supp. at 1241 (D. Del. 1990) (citations omitted); See also D. Del. LR 7.1.5.

4. **Discussion.** Plaintiff simply disagrees with the court's December 4, 2007 screening order dismissing several claims and defendants. The court thoroughly reviewed the complaint and explained in detail its reasoning for dismissing several claims and defendants. There is no need to correct a clear error of law or fact or to prevent manifest injustice. Moreover, plaintiff has not demonstrated any of the grounds

necessary to warrant reconsideration.


UNITED STATES DISTRICT JUDGE